



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	20
VAC Chapter Number:	21
Regulation Title:	Licensure Regulations for School Personnel
Action Title:	Military Alternative Route
Date:	1/18/00

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board of Education proposes to amend sections 10, 50, and 80 of the Licensure Regulations for School Personnel. The proposal sets forth an alternative route for teacher licensure that may be taken by military personnel who wish to become fully licensed teachers in Virginia. The alternative route is available to military personnel who seek teaching endorsements pre-K through 12, with the exception of special education.

For the past several years, Virginia has had teacher shortages in several academic areas and in the rural and inner city regions of the state. School divisions currently report widespread and persistent shortages in all disciplines, including administrative positions. The continued demand for qualified teachers is anticipated to grow in the coming years as the job market for college

graduates and school enrollment expand. For example, Virginia school divisions hired approximately 6,000 new and beginning teachers for the current school year. Last year, that number was approximately 4,000. Currently, Virginia's colleges yield approximately 4,000 teacher education graduates each year. Of these graduates, almost 2,000 will not go on to teach in a Virginia school. These data show that Virginia's public schools can expect an annual teacher shortage of at least 4,000 teachers for the near future.

Teacher shortages in Virginia and nationwide are expected to increase. Military personnel are a resource for prospective teachers. The proposed regulations recognize the rich experiences of military personnel with degrees who are interested in teaching in the public schools. The proposed regulations remove potential barriers, such as requiring employment as a teacher prior to licensure. Currently, individuals seeking licensure via the alternative route must apply for a license through an employing school division; therefore, they must be employed by a school division as a teacher in order to apply for a license.

The alternative route will assist in recruiting males and minorities to teaching; recruiting teachers in critical shortage areas such as mathematics and science; and employing teachers in rural and inner-city settings. The Board of Education's proposal to develop an alternative route for experienced military personnel with teaching experience will alleviate some of the challenges that will face the Commonwealth in the future.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Section 22.1-16 of the Code of Virginia states: "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title." <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-16>

Section 22.1-298 of the Code states: "The Board of Education shall, by regulation, prescribe the requirements for licensure of teachers. Regardless of the authority of other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education." <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-298>

The 1999 Appropriation Act (Items 127 D and 129 Q) requires the Department of Education, in collaboration with the Secretary of Education, to develop a plan to afford school divisions the flexibility to hire nontraditional teachers. The Appropriation Act also requires the Board of Education to identify and recommend changes to laws and regulations that prohibit school divisions from hiring quality individuals who are college graduates or practicing professionals but do not possess a teaching certificate.

Additionally, Senate Joint Resolution 384 (99) requests the Board of Education to consider pioneering alternative licensure programs and models established in Texas and New Jersey in its study of alternative teacher licensure programs.

In a letter to the Superintendent of Public Instruction, dated November 15, 1999, the Office of the Attorney General certified that the agency has the legal authority to promulgate the proposed regulation, and that it comports with applicable state and federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not

acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The purpose of the regulatory change is to eliminate unnecessary and burdensome paperwork for local school divisions, to streamline and shorten the time required for training for military personnel who wish to be licensed as classroom teachers, and to permit qualified personnel to utilize prior, relevant training and experience to meet the requirements for a Virginia teaching license.

During the Board of Education meeting in February 1999, personnel in the Department of Education submitted a conceptual proposal to amend the licensure regulations for school personnel (8 VAC 20-21-10 et.seq.) and establish an alternative licensure route for military personnel.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

Currently, individuals seeking licensure via the alternative route must apply for a license through an employing school division; therefore, they must be employed as a classroom teacher prior to applying for a teaching license. The proposed amendments would permit an applicant with military experience to apply directly to the Department of Education. This change in procedure will expedite the licensure of qualified military personnel while still maintaining high quality standards for the teaching force. The proposed changes specify the prerequisites that the applicant must possess prior to applying for and receiving a license to teach in Virginia.

The proposal recognizes that military personnel have considerable expertise and training, and some have had extensive teaching experience while in the military. Instructional opportunities offered in the military include preparation in instructional training, multi-cultural sensitivity, motivational theory, management by objectives, organization skills, accountability, leadership, assessment, substance abuse, counseling skills, and computer technology.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

In comparing Virginia's alternative route to licensure to that of New Jersey and Texas, which have successful alternate programs, one issue emerges. Virginia's licensure regulations currently require that applicants be hired by a school division prior to applying to for a teaching license. The regulations stipulate that the superintendent must apply to the Department of Education in order for the employee to be considered for a license. Because school divisions are often reluctant to hire persons who are not already fully licensed, the current regulation has the effect of limiting the number of qualified persons available to teach in Virginia's schools. Also, the current requirement for a full-time student-teaching practicum places a financial hardship on some military persons who would have to leave full-time employment to complete the practicum experience.

The Department of Education (DOE) conducted a focus group on this topic. DOE also held a statewide forum for school administrators, personnel directors, and teachers who are former military personnel. The results of the focus group, the forum, and the public comment during the forum indicated strong support for an alternative route to licensure for career switchers. Among issues presented during the focus group meeting and the forum were: (1) developing a program of high quality that requires pre-assignment preparation, continued preparation during the first year of teaching with the guidance of a mentor teacher; (2) allowing applicants to apply and receive a license from the Department of Education before employment by a school division; (3) establishing prerequisites for an alternative route that are consistent with program admission requirements in a traditional preparation program; and (4) offering the professional studies preparation (method) in ways other than college courses.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

The 1999 Appropriation Act, item 127 D, required the Department of Education, in collaboration with the Secretary of Education, to develop a plan to afford school divisions the flexibility to hire nontraditional teachers. Item 129 Q appropriated \$50,000 to the Department of Education to conduct a study to assess ways to give school divisions more flexibility to hire nontraditional teachers. Approximately \$5,000 was used to conduct the study. The unencumbered \$45,000 will be used as a contribution toward conducting two pilot programs for the "career switcher" alternative route to licensure for military personnel during the summer of 2000.

The funds for the administration and maintenance of the program include but are not limited to the following major program components:

Application processing

- Administration and maintenance of each program
- Delivery of instruction (training for Levels I, II, III; candidate support and evaluation)
- Program materials
- Advertising and recruitment
- Processing and awarding the “eligibility license”
- Mentors
- Candidate and program evaluation
- Scholarships for participants
- Facilities
- Trainers

In addition to the \$50,000 appropriated by the 1999 General Assembly, funds will need to be appropriated to implement two pilot “career switcher” programs for military personnel during the summer of 2000. The estimates for funding individual candidates range from \$5,000 to \$6,500. Subsequent appropriations would require funding for the comprehensive statewide “career switcher” program for the summer 2001.

The Governor's Budget for 2000-2002 (Item 139 F) provides funding for the implementation of the Alternative Licensure Program. This initiative provides \$202,515 in general funds in fiscal year 2001 and \$207,285 in general funds in fiscal year 2002. The funding is based on 100 participants for 15 credit hours at \$100.00 per credit hour. It also includes funding for 1.0 FTE education specialist (grade 14) to manage this program.

In addition to the 2000-2002 initiative and the 1999 appropriation act provisions, the following four options were considered during the review process:

Option # 1 – General Fund Appropriation and Student (Candidate) Funding

In this scenario, the cost for the program would be shared between the student/candidate and an additional general fund appropriation. Each candidate would be responsible for paying a predetermined amount for each phase of the program. The general fund appropriation would include funding for the administration and maintenance of the program.

Option # 2- School Division Funding

Each school division or consortium of school divisions seeking to establish a “career switcher” alternative route to licensure would have the responsibility of fully funding the program. In view of signing bonuses currently being offered by some school divisions, this may be an attractive option for school divisions.

Option # 3- Student Funding

Funding for the “career switcher” alternative route program would be provided through the tuition charged the candidates entering program.

Option # 4– Collaborative Funding

Collaborative funding would be a combination of funds from the general fund, the student/candidate, and the school division or consortium.

Even though localities may choose to support prospective teachers through this program, the regulation does not require local school divisions to absorb any additional costs.

The Department of Education will incur additional workload in the development and ongoing administration of this program which will be covered by the additional FTE position and the additional general fund support in the 2000-2003 budget. Other entities, such as individuals or school divisions, will participate voluntarily.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

The proposed amendments define an "eligibility license" and specify the requirements that must be met. The applicant must complete the professional studies requirements during the course of a single year through the following three levels of preparation. Steps to the alternative "career switcher" route to licensure as set forth in the proposed amendments are generally summarized as follows:

Step 1: Level I Preparation Phase (estimated 3-5 weeks in duration)

Intensive Level I Preparation Phase (college level courses):

- Introduction to Classroom Management
- Introduction to the Standards of Learning
- Introduction to Teaching Strategies
- Field Experience with Summer School Students

Step 2: One-Year "Eligibility License"

"Eligibility License" awarded (end of the Level I preparation phase)

"Eligibility License" means a one-year license dated July 1-June 30. This new license is issued upon successful completion of level I of the "career switcher" program. This license requires a bachelor's degree from a regionally accredited institution; the completion of teaching area requirements for an endorsement in a content area as set forth in the Board of Education's licensure requirements outlined in the publication, Licensure Regulations for School Personnel (July 1, 1998) or the equivalent through verifiable experience or academic study; and Virginia qualifying scores on Praxis I (reading, writing, and mathematics) and Praxis II (subject area assessments). The Praxis tests are the nationally standardized qualifying examinations that must be taken and passed by all new and beginning teachers prior to receiving a license to teach in Virginia. If the "eligibility license" expires prior to the individual receiving employment in

Virginia, the license holder must reapply for the second “eligibility license.” The intensive program (level I) must be repeated if the individual has not gained employment prior to the expiration of the second “eligibility license.”

Step 3: Level II Preparation During First Year of Employment

Candidate seeks employment with the one-year "eligibility license"

Continued Level II preparation during the first year of employment

Assignment of a trained mentor (a mentor is an experienced teacher assigned to work closely with the new teacher in order to assist with classroom management, lesson plans, and day-to-day issues)

Step 4: Level III Preparation Continued

Post preparation (if needed)

Recommendation from employer for a renewable license

Issuance of the five-year renewal license and continuation of the remaining two years of the three-year "probationary" years of service prior to eligibility for continuing contract status.

Intensive Level I Preparation Phase, Level II Preparation Phase During First Year of Employment, and Level III Preparation Continued.

Verification of program completion will be made by the division superintendent. Local divisions will have flexibility to develop training programs provided that approval is received from the Board of Education.

The above information generally describes the "career switcher" alternative route. However, in order to better understand the "career switcher" program, it is important to know that under the Licensure Regulations for School Personnel, Virginia has three currently established routes to licensure. The current routes to licensure are as follows:

- (1) The approved program route in which an individual completes a state-approved teacher preparation program that includes student teaching;
- (2) Reciprocity which allows an individual coming into Virginia from any state to qualify for a Virginia license with comparable endorsement areas if the individual has completed a state-approved teacher training program through a regionally accredited four-year college or university, or if the individual holds a valid out-of-state teaching license, which must be in force at the time the application for a Virginia license is made; or
- (3) The alternative route to licensure, which involves the completion of the following six basic components. To be eligible for a three-year provisional license, the first three components

must be satisfied. During the three-year provisional period of the license, the following components must be met to become eligible for a five-year, renewable license:

- (a) The candidate must hold a baccalaureate degree from a regionally accredited institution;
- (b) Requirements for one or more specific endorsement (teaching) areas must be satisfied;
- (c) The candidate must secure employment in a Virginia school division;
- (d) The candidate must successfully complete the professional assessment requirements; Virginia requires passing the Praxis I series tests in reading with a score of 178, writing with a score of 176, mathematics with a score of 178, and an appropriate specialty area test if required for the endorsement area;
- (e) The candidate must complete 15 to 18 semester hours of professional studies coursework; and
- (f) The candidate must complete one year of successful, full-time teaching experience in the endorsement area at an accredited public or nonpublic school.

Lastly, a school division also may submit to the Superintendent of Public Instruction for approval an alternative program to meet the professional studies requirements. The alternative program must include training (seminar, internship, course work, etc.) in human growth and development, curriculum and instructional procedures (including technology), foundations of education, and reading.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The proposed language was reviewed by a statewide task force of teachers, principals, superintendents, professional organizations, teacher educators, and the Board of Education's liaison to the Advisory Board for Teacher Education and Licensure. The task force recommended that the Superintendent of Public Instruction appoint a task force to develop a model program for an alternative route to teacher licensure. Specific components to the model should include:

- 1) Prerequisites
- 2) Time line requirements for successful completion of Virginia's assessments, Praxis I and Praxis II.
- 3) Scope and Sequence - The task force should establish the scope and sequence of the professional studies component of the program.
- 4) Mentoring - Provisions for the veteran mentoring program should be included in the model.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No comment was received during the NOIRA period.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The Board of Education requested a task force consisting of representatives of local school divisions, professional organizations, and former military personnel who are now teaching, to assist in the development of the proposed regulations. The task force was convened and was asked to make suggestions for the proposed regulations, and the regulations have been developed consistent with the recommendations of this task force.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The regulation will be reviewed following the pilot programs, which are anticipated in the summer 2000. The purpose of this review will be to examine the program and expand the program statewide to other careers. The measurable goals are: to increase the number of military personnel available for employment as licensed teachers in Virginia; and to increase the numbers of teachers in critical shortage areas.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation will offer an alternative route for military persons to receive a license to teach Virginia. Thus, it is anticipated that the regulation will have a positive impact on the employability of qualified military personnel.

The shortages of teachers nationwide are predicted to increase. According to the federal government, schools will need 200,000 new teachers a year for the next decade--up from 150,000 in recent years--as student enrollment increases and teachers retire. As a result, many school systems welcome adults who are willing to leave established careers for teaching. Researcher Emily Feistritzer found that ten percent of new teachers hired in 1996 came from another profession; the percentage is growing yearly. (U.S. News, 10/26/98). Virginia's most recent survey data on this topic indicated that 5.7 percent of the 4000 newly hired teachers in Virginia in 1994-95 were licensed through the college coursework alternative route to licensure.

The regulation will have a positive impact on the communities across the state. As education reform efforts have increased the academic performance expectations of students, the need for more qualified teachers and smaller class sizes has emerged. Further, the need for qualified teachers, particularly minority teachers, has increased in urban school divisions.

Military personnel are a resource for prospective teachers, especially in Virginia which has huge military installations and a substantial number of military retirees. The proposed regulation recognizes the rich experiences of military personnel with degrees who are interested in teaching in the public schools. The proposed regulation removes potential barriers, such as requiring employment prior to licensure and, as a result, provides a benefit to communities and to families, even those without children in the public schools.